



unable or unwilling to give Baxter any information on proposed products it will market under the ULTRALINK mark, other than to recite the laundry list of products proposed in its application, and Inviro has been unable or unwilling to pinpoint its intended market or trade channels other than stating that it would target markets and trade channels that use products listed in its recitation.

Baxter has a fully briefed and pending Motion to Compel before the Board with regard to numerous outstanding discovery issues in the ULTRALINK matter, and on November 5, 2002, Baxter issued follow-up discovery to Inviro in the ULTRALINK matter in order to again try to clarify the issues, and in order to determine whether consolidation of the matters would be prudent. Inviro's response deadline to that discovery was December 10, 2002, and instead of sending such discovery responses to Baxter, Inviro filed this motion to consolidate, as well as a motion to suspend its deadline for answering the outstanding discovery, among other motions. Again, Inviro tries to keep Baxter from obtaining the information it needs to respond to this motion and the case as a whole. (Baxter is simultaneously filing a response to Inviro's motion to suspend, likewise seeking this Board's denial of that request.)

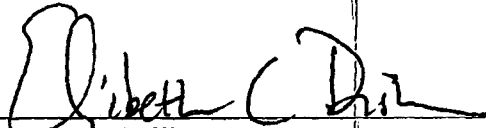
Inviro's counsel is fully aware that Baxter issued the supplementary discovery on November 5, 2002 in light of Inviro's request to consent to consolidate and that Baxter awaits those responses in order to make an informed decision as to whether the issues of fact and law are the same and whether consolidation is appropriate. Therefore, at this time, Baxter objects to Inviro's motion to consolidate, and asks this Board to deny granting such consolidation until Baxter has been given the full discovery it has

requested, and it can learn whether Inviro's intended uses of the marks at issue are actually the same.

Respectfully submitted,

Date:

Dec. 18, 2002



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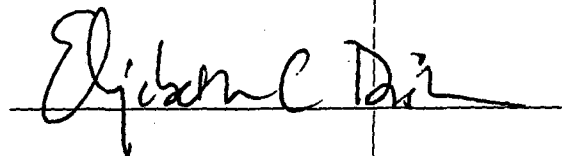
Attorneys for Opposer

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**CERTIFICATE OF MAILING**

I hereby certify that the **BAXTER'S RESPONSE IN OPPOSITION TO  
INVIRO'S "NOTICE AND REQUEST FOR CONSOLIDATION OF TWO  
OPPOSITIONS"** (along with any documents referred to as being attached or enclosed) is  
being deposited with the United States Postal Service as first class mail in an envelope  
addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, **Box TTAB-  
NO FEE**, Arlington, Virginia 22202-3513 on December 18, 2002

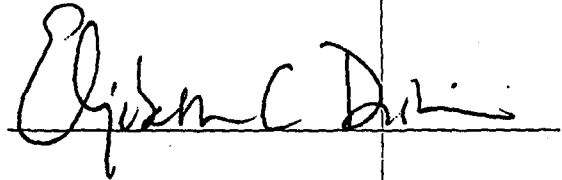
Date: December 18, 2002

A handwritten signature in black ink, appearing to read "Elidson C. Diaz", is written over a horizontal line.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of **BAXTER'S RESPONSE  
IN OPPOSITION TO INVIRO'S "NOTICE AND REQUEST FOR  
CONSOLIDATION OF TWO OPPOSITIONS"** (along with any documents referred to  
as being attached or enclosed) was sent on this 18<sup>th</sup> day of December, 2002, via United  
States Mail, first class postage prepaid, to:

Duane M. Byers  
NIXON & VANDERHYE P.C.  
1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, VA 22202-4714  
Fax: 703-816-4100

A handwritten signature in dark ink, appearing to read "Duane M. Byers", is written over a horizontal line.